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TELEFAX COVER PAGE

TO: 1 803 896 5231

R. Randall Dong, Esq.
Staff Counsel and Hearing Officer
Freedom of Information Act Officer
S.C. Public Service Commission
P.O. Drawer 11649
Colombia S.C. 29211
Ph: 1803 896 5176; Fx: 1 803 896 5231

ATTENTION: Ms. Hope Adams, Administrative Assistant.

RE: CASE NO 2004-219-E PEC; No. 2007-401-E

DATE: JAN. 24, 2008

Mr. Dong:

Shortly I shall send you a courtesy copy of my motion to the Dillon court for a writ of mandamus to the Commission to convert a discretionary status into a ministerial status. I doubt the Commission will do anything positive re the change of providers. This will save everyone some time, costs and efforts, etc. It might be approved by the Court. Who can tell.

I have reviewed your recent correspondence with Mrs. Weaver confirming the Commission's dismissal of the 2004 Docket back in May 2007. It is an issue before the Dillon court. I also note that last September 27, 2007 Mr. Anthony notified the Commission of the dismissal of all matters pursuant to the Mutual Release settlement agreement. That is also an issue that may yet re-surface with the Commission. As far as I am concerned, that was sufficient notice, notwithstanding that PEC has violated the Mutual Release and Rule 43 (k), and Rule 41 (a)(1)(ii) SCRCP thus rendering the settlement agreement non-binding under case law. Please refer to my motion when it comes.

Please note that I have not received copies of PEC's correspondence with the Commission.

PAGES: 6

RECEIVED

JAN 29 2008

LEGAL DEPARTMENT
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

Fax to: Charles L.A. Terreni, Esq.
Chief Clerk/Administrator
S.C. Public Service Commission
P.O. Drawer 11649
Colombia S.C. 29211
Ph: 1803 896 5113; Fx: 1 803 896 5231

From: Gary Weaver
PO Box 7682
Florence, S.C. 29536
Ph: 843 841 1606
Fx: 843 774 2050

Subject: Request for Information

Ref: Progress Energy Petition No. 2004-219-E; 2007-401-E

Date: Jan. 24, 2008

Mr. Terreni:

Your attention is directed to the attached correspondence. I would greatly appreciate a reply soonest.

Thank you.

No. of pages: 5

PO Box 7682
Florence S.C. 29502

Jan. 24, 2008

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
S.C. Public Service Commission
P.O. Drawer 11649 Colombia S.C. 29211
Ph: 1803 896 5113; Fx: 1 803 896 5231

Dear Mr. Terreni:

Subject: Request for FOIA Data and Confirmation of Dismissal
Matters Pursuant to Progress Energy Petition No. 2004-219-E

Ref: Docket No. 2007-401-E Re Change of Providers
Mutual Release dated September 18, 2007

1. This is a follow-up to my letter dated September 21, 2007, copy attached for reference. Your Office has been formally informed of the execution of the referenced Mutual Release by Progress Energy on or about September 27, 2007, confirmed by your General Counsel to me, and the Hearing Officer, Mr. Dong to Mrs. Weaver (Wallenstein). I am writing as Respondent Pro Se in Docket No. 2004-219-E, signatory to the Mutual Release and a party of interest pursuant to Docket No. 2007-401-E as to Change of Provider.
2. Please refer to paragraph 4 of the September 21, 2007 letter. Pursuant to the S.C. APA statute Sect. 1-23-140 (see attached copy), the Commission has the legal duty of publishing a **"Policy Statement"**. I requested you to indicate if such a document exists and if I may have a copy mailed to me, or alternatively if it can be examined at a local public library.
3. This is my **FOURTH REQUEST** for this document, and I have received no response to date. Therefore, again, pursuant to the Administrative Procedures Act, (so-called Freedom of Information Act), please be so kind and respond promptly to the request.
4. If you refuse this request, please cite the legal authority for doing so. I require this Policy Statement document relative to litigation pending in the Dillon County Court of Pleas, and the pending hearing on Docket No. 2007-401-E.
5. In paragraph 3 of the subject letter I formally notified you that I have not received copies of pleadings, etc, since 2004, from the Petitioner Progress Energy, and the Commission, except an occasional response to my enquiries. Accordingly I find it appropriate to file for the record with your Office my current understanding of the disposition of the dockets, in light of the said Mutual Release.

6. Thus I confirm herewith for the record, to the best of my knowledge and understanding that all matters previously before the Commission under Docket No. 2004-219-E were dismissed by the Commission in May, 2007, at Mrs. Weaver's request confirmed again in November 2007, by Mr. Dong in his recent November 2007 correspondence with Mrs. Weaver, and by Progress Energy with its filing a certified, true copy of the Mutual Release with your Office on or about September 27, 2007.

7. Pursuant to paragraphs 3 and 4 of said Release, it my understanding, belief and position that as Petitioner to the Commission, and Plaintiff/Signatory to the Release, that Progress Energy has the legal duty to file stipulations for dismissal with the Court and the Commission under Rule 41 (a) (1) (ii) and Rule 43 (k) SCRCP which under your regulations and the statutes also apply to the Commission.

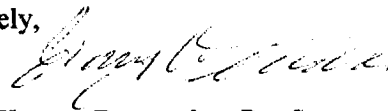
8. In reviewing Mr. Dong's recent communications with Mrs. Weaver, I noted a reference that the Commission has re-numbered its regulations. Therefore may I respectfully request your Office to send me a copy of the new regulations at your earliest convenience. I need them for reference at hearings in the Dillon Court on January 30, and February 4, 2008.

9. Please be advised that as signatory and party of interest in the subject Mutual Release, I intend to appear and file pleadings with the Commission concerning the Application for Change of Providers filed by Mrs. Weaver. I made that a quid pro quo condition for agreeing to execute the Mutual Release. Pleased inform me if you have any requirements, objections, etc., and include me in your distribution list for No. 2007-401-E

10. On several previous occasions your Office has been requested to inform Mrs. Weaver as to whether or not the Commission may order connection of electric on medical grounds and for severe weather conditions. Following Duke Energy's experience of killing an old lady in North Carolina a year or so ago, there were great public lamentations, beating of breasts, sack cloth and ashes from the legislature, Commission, ORS and anyone else in the public arena looking for some publicity. Please send me a copy of any statutes or regulations that may have been promulgated concerning the issue of connecting power on medical grounds, and severe weather conditions. Time is of the essence. I have been unlucky in getting any sense from the Legislature.

Your early response to these requests would be greatly appreciated, since time is of the essence due to circumstances.

Sincerely,



Gary Weaver, Respondent Pro Se

Att: 2

Cc: R. Randall Dong, Esq.
Staff Counsel, Hearing Officer and FIA Officer

PO Box 7682
Florence S.C. 29502

September 21, 2007

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
S.C. Public Service Commission
P.O. Drawer 11649 Colombia S.C. 29211
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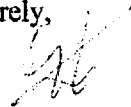
Dear Mr. Terreni:

Subject: Request for FOIA Data
Ref: Progress Energy Petition No. 2004-219-E

1. Pursuant to the Administrative Procedures Act, (so-called Freedom of Information Act), please be so kind and send me copies of any and all **ex parte communications**, of any kind whatsoever, transacted by and between the Commission's representatives (staff and Commissioners individually), and the Petitioner's representatives. This request includes the Commissioners individually. **The period June 2004 to the present is requested.**
2. If you refuse this request, please cite the legal authority for doing so.
3. Please be advised **for the record** in this case, that I have NOT received any copies of Petitioner's pleadings filed in the referenced case, dating since July 2004 to the present September 21 , 2007. This is a violation of statutes and rules governing due process, etc.
4. Pursuant to the S.C. APA statutes the Commission has the duty of publishing a "**Policy Manual**". Please indicate if such a document exists and if I may have a copy mailed to me, or alternatively if it can be examined at a local public library.

Your early response to these requests would be greatly appreciated, since time is of the essence due to circumstances.

Sincerely,



Gary Weaver, Respondent Pro Se

APP S.C.

Appendix A**SECTION 1-23-140.** Duties of state agencies; necessity for public inspection.

(a) In addition to other requirements imposed by law, each agency shall:

(1) Adopt and make available for public inspection a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(2) Adopt and make available for public inspection a written policy statement setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(3) Make available for public inspection all final orders, decisions and opinions except as otherwise provided by law.

(b) No agency rule, order or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection as required by this article and Article 2. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

SECTION 1-23-150. Appeals contesting authority of agency to promulgate regulation.

(a) Any person may petition an agency in writing for a declaratory ruling as to the applicability of any regulation of the agency or the authority of the agency to promulgate a particular regulation. The agency shall, within thirty days after receipt of such petition, issue a declaratory ruling thereon.

(b) After compliance with the provisions of paragraph (a) of this section, any person affected by the provisions of any regulation of an agency may petition the Circuit Court for a declaratory judgment and/or injunctive relief if it is alleged that the regulation or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff or that the regulation exceeds the regulatory authority of the agency. The agency shall be made a party to the action.

SECTION 1-23-160. Prior filed regulations unaffected.

All regulations of state agencies promulgated according to law and filed with the Secretary of State as of January 1, 1977, shall have the full force and effect of law. All regulations of state agencies promulgated under this article and effective as of June 30, 1994 shall have the full force and effect of law.